

REMARKS

This Amendment is in response to the outstanding Official Action mailed August 29, 2005, the shorted statutory period for response having expired on November 29, 2005. Applicants submit herewith a Three-Month Extension Petition to reset the deadline to and including February 28, 2006. Reconsideration of the Examiner's rejection is respectfully requested.

The Examiner has rejected claims 1-4, 6-9, 18 and 30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 1, 18 and 30, while canceling claim 3. The revisions to the claims are believed to overcome the Examiner's rejection on the grounds of indefiniteness. In particular, claim 1 has been amended whereby the inserts are curved, having curved inner and outer surfaces. The radial distance between the inner and outer surfaces are different between the inserts. This radial distance corresponds to the thickness of the inserts in a radial direction between their inner and outer surfaces. The distance or thickness between the inner and outer surfaces corresponds to the annular portion defined between the inside and outside diameter of the inserts in a radial direction. These amendments are believed to overcome the Examiner's rejection under 35 U.S.C. § 112, and notice of that effect is respectfully requested.

The present application includes independent claims 1, 8, 18, 21, 24, 25, 27 and 29. These claims have been rejected as being anticipated under 35 U.S.C. § 102(b) by either Colley, United States Patent No. 5,769,556 or Morehouse, United States Patent No. 2,355,742; and in the alternative, under 35 U.S.C. § 103(a), as being obvious over Morehouse in view of Lang, United States Patent No. 4,527,426.

Turning to *Colley*, inserts 27 and 29 are sized and adapted to receive only tubular member 11. On the other hand, inserts 31 and 33 are sized to receive only tubular member 13. As such, inserts 27, 29 have an outside diameter which is different from the outside diameter of inserts 31, 33. Accordingly, the inserts for the respective tubular members 11 and 13 are not interchangeable with one another. The inserts disclosed in *Colley* are sized to be dedicated for the size of the specified tubular member only. There is no interchangeability of inserts to accommodate a tubular member of a different size using inserts of the same outside diameter, but different inside diameter. To accommodate the different sized tubular members, *Colley* requires that the outside diameters of the inserts be accordingly sized smaller or larger so as to fit within the respective opening formed in the clamp halves 19, 21. To the extent that the Examiner suggests that these inserts are interchangeable, they are interchangeable only amongst themselves. That is, insert 27 is interchangeable with insert 29, and insert 31 is interchangeable with insert 33. However, these interchangeable inserts have the same outside diameter and the same inside diameter. Contrary to the Examiner's apparent position, insert 31 is not interchangeable with either insert 27 or 29. Likewise, insert 33 is not interchangeable with either insert 27 or 29.

Contrary to *Colley*, Applicants are claiming inserts which are interchangeable with each other which have the same outside diameter. There is no disclosure in *Colley* of such interchangeable inserts, rather, the interchangeability of the inserts require that they both be of the same outside diameter and inside diameter to accommodate a tubular member of predetermined size. This is contrary to Applicant's claimed invention. As such, the Examiner's rejection is considered traverse and should therefore be withdrawn.

Turning to *Morehouse*, although the inserts are interchangeable with each other, they all have the same outside diameter and inside diameter. There is no disclosure of any inserts of the same outside diameter and different inside diameter as claimed by Applicants. In this regard, the openings 3 in *Morehouse* are adapted to accommodate the same conduits 4. There is no disclosure of the ability to provide different inserts with different thicknesses to accommodate conduits having a different outer diameter within the same openings 3. This is contrary to Applicants' claimed invention. As such, the Examiner's rejection is traversed and should therefore be withdrawn.

The Examiner contends that Applicants' invention would be obvious by combining the teachings of *Lang* with *Morehouse*. The Examiner states that it is old and well known to provide a plurality of sleeves (inserts 9a and 9, Fig. 1) with different thicknesses to accommodate different diameter sizes of wire ropes, referring to Col. 1, Lns. 23-34. The Examiner has improperly relied upon the teachings of *Lang*, which does not disclose the aforementioned features.

*Lang* discloses that the prior art used a plurality of sleeves of different thicknesses to accommodate different sizes of wire ropes. *Lang's* invention is to specifically avoid the need for the use of these different sleeves. Specifically, *Lang* states "Furthermore and in contrast to prior art systems, this is done without requiring the replacement of the sleeve portions with sleeve portions of various different thicknesses." See Col. 2, Lns. 55-58. Accordingly, *Lang* does not use sleeves of different thicknesses for its inserts 9a and 9 as stated by the Examiner. Rather, *Lang* uses inserts of a fixed size which are adjustable in spaced apart relationship by an assembly such as shown in Fig. 3. Accordingly, *Lang* specifically teaches away from any use of sleeves having different thicknesses.

To the extent that the Examiner considers *Lang* to still be relevant in combination with *Morehouse*, such combination fails to render Applicants' claimed invention obvious. It is unclear from the description in *Lang*, Col. 1, lns. 23-29, as to the nature of the sleeves. As best understood from the description, the sleeves would appear to be a one piece cylindrical body. There is no disclosure of the sleeves being provided as two halves which would be mated together to form an insert. Thus, the combination suggested by the Examiner would presumably result in the use of different sized one piece cylindrical sleeves in lieu of the two piece inserts disclosed on *Morehouse*. However, the assembly of the conduit supporting block in *Morehouse* and its ability to accommodate conduits requires that the inserts be split and placed about an existing conduit. This would not be possible with the use of a unitary cylindrical sleeve. As such, the use of such a sleeve as disclosed in *Lang* would render inoperable the supporting block in *Morehouse*. Applicants' claims specifically require that the inserts be constructed as a pair of insert halves which are mateable with one another to form the inserts. This is not disclosed in the proposed combination of *Morehouse* and *Lang* as suggested by the Examiner. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/623,749

Docket No.: INNOFF 3.0-024

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

Stephen B. Goldman  
Registration No.: 28,512  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicants

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